THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5272 of 2007

Date: 15.03.2007

Between:

Smt Prashanti Kumari Adikari.

....Petitioner

And

Government of A.P., Rep., by its Principal Secretary, Revenue Secretariat, Hyderabad and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5272 of 2007

O R D E R:

Petitioner states that her husband was the absolute owner of an extent of 266 square yards of land in plot No.12 in Survey No.91/2 of Adivivaram Village, Visakhapatnam District, and consequent upon his death, the said property devolved upon her. It is also stated that she intended to sell the said land and entered into an agreement of sale with the intending purchaser, and approached the second respondent for registration of the same. The grievance of the petitioner is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 15.03.2007
Note: Issue C.C. in three days.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77